

20.09.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 1506 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Jalangi Police Station Case No.198 of 2021 dated 20.07.2021 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.145 of 2021)

And

In Re: ***Muklesur Mondal @ Mukles Mondal***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. He has been falsely implicated in a series of cases. In one of such cases, he has been acquitted. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents.
4. We have considered the materials on record. Petitioner has been booked in a number of cases of similar nature but in only one case it is alleged he was in possession of narcotics. In the said case, he has been acquitted. In other cases like the present one no narcotics has been recovered from his possession and he is on regular bail. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as the materials relied upon by the prosecution are statements of co-accused before a police officer which are inadmissible in evidence, we are of the opinion petitioner has been

able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely ***Muklesur Mondal @ Mukles Mondal***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under the NDPS Act-cum-Additional District & Sessions Judge, 5th Court, Murshidabad at Berhampore subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
6. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)